

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Bethann Shannon

Plaintiff

07-cv-07926 (DLC)

v.

Focus Features, LLC and
Universal Entertainment Corporation

Complaint
Jury Trial Demanded

Defendants

1. This is a complaint for copyright infringement, 17 USC § 501.
2. This court has jurisdiction pursuant to 28 USC §§ 1331 and 1338.
3. Plaintiff is an individual residing in Lenox, Massachusetts.
4. Defendant Focus Features, LLC is a Delaware limited liability company authorized to do business in New York State.
5. Defendant Universal Entertainment Corporation is a New York corporation.
6. Venue is proper pursuant to 28 USC § 1391 because all defendants reside in New York State.
7. In the mid-1990's Plaintiff created "My Pet Sperm", a novelty item to promote sexual awareness and safe sex practices. "My Pet Sperm" is a stylized flexible doll featuring a round "head" with a face and the words on one side and "my pet sperm," and a tail.
8. Plaintiff is the owner of federal copyright registration number VAu 405-251, effective March 3, 1997 for the "My Pet Sperm" figurine as a sculptural work. A copy of Plaintiff's copyright registration for "My Pet Sperm" is attached hereto as Exhibit A.

9. Plaintiff distributed “My Pet Sperm” nationally, including through the national “Urban Outfitters” retail chain.
10. Defendants or their agents, upon information and belief, acquired or otherwise had access to Plaintiff’s “My Pet Sperm” doll.
11. In 2004, Defendants announced the release of the theatrical motion picture “Seed of Chucky.” Upon information and belief, the film was released in November 2004.
12. To promote “Seed of Chucky,” Defendants caused to be created, manufactured, and distributed stylized flexible dolls featuring a “head” with the words “Seed of Chucky” on one side and “coming everywhere November 12” on the other, and a tail.
13. With the exception of the exterior markings, the dolls are visually identical, in dimension, shape, color, and overall impression. A copy of a photograph of the two dolls side-by-side is attached as Exhibit B.

AS AND FOR A FIRST CAUSE OF ACTION

14. Plaintiff reaffirms and realleges paragraphs 1 through 12.
15. Defendants’ creation, manufacture and distribution of the “Seed of Chucky” dolls violated the rights conferred to Plaintiff pursuant to the Copyright Act, 17 USC §§ 101 *et seq.*, in that Defendants’ dolls incorporate the copyrightable elements of Plaintiff’s federally registered work.
16. Defendants’ infringement of Plaintiff’s federally registered copyright was willful.

17. Defendants are therefore liable to Plaintiff for statutory damages in an amount not to exceed \$150,000, and costs and fees, including attorney's fees.

WHEREFORE, Plaintiff seeks a court order finding Defendants liable for copyright infringement and awarding damages in the amount of \$150,000, along with an award of costs and fees in an amount to be determined, and for such other and further relief as to this court seems appropriate.

A JURY TRIAL IS DEMANDED

Housatonic, Massachusetts
September 4, 2007

A handwritten signature in black ink, appearing to read 'Paul C. Rapp', with a stylized, cursive script.

Paul C. Rapp, Esq. PR-7987
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